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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

JOHN MICHAEL HINDS
1932 Barry Avenue
Los Angeles, CA 90025

Physical Therapist License No. PT 18537

Respondent.

Case No. 1D 2002 63050

OAH No. L2005080419

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the First Amended Accusation

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by E. A. Jones III, Deputy Attorney General.

2. Respondent John Michael Hinds (Respondent) is represented in this

1 proceeding by attorney Michael L. Challgren, whose address is The Challgren Law Firm, 555
2 Pier Avenue, Suite 4, Hermosa Beach, CA 90254.

3 3. On or about September 24, 1992, the Physical Therapy Board of California
4 issued Physical Therapist License No. PT 18537 to John Michael Hinds. The License was in full
5 force and effect at all times relevant to the charges brought in First Amended Accusation No. 1D
6 2002 63050 and will expire on February 28, 2006, unless renewed.

7 JURISDICTION

8 4. First Amended Accusation No. 1D 2002 63050 was filed before the
9 Physical Therapy Board of California (Board), Department of Consumer Affairs, and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on May 12, 2005. The First Amended Accusation and all other
12 statutorily required documents were properly served on Respondent on February 10, 2006.
13 Respondent timely filed his Notice of Defense contesting the Accusation and First Amended
14 Accusation. A copy of First Amended Accusation No. 1D 2002 63050 is attached as exhibit A
15 and incorporated herein by reference.

16 ADVISEMENT AND WAIVERS

17 5. Respondent has carefully read, fully discussed with counsel, and
18 understands the charges and allegations in First Amended Accusation No. 1D 2002 63050.
19 Respondent has also carefully read, fully discussed with counsel, and understands the effects of
20 this Stipulated Settlement and Disciplinary Order.

21 6. Respondent is fully aware of his legal rights in this matter, including the
22 right to a hearing on the charges and allegations in the First Amended Accusation; the right to be
23 represented by counsel at his own expense; the right to confront and cross-examine the witnesses
24 against him; the right to present evidence and to testify on his own behalf; the right to the
25 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
26 the right to reconsideration and court review of an adverse decision; and all other rights accorded
27 by the California Administrative Procedure Act and other applicable laws.

28 7. Respondent voluntarily, knowingly, and intelligently waives and gives up

1 each and every right set forth above.

2 CULPABILITY

3 8. Respondent understands and agrees that the charges and allegations in
4 First Amended Accusation No. 1D 2002 63050, if proven at a hearing, constitute cause for
5 imposing discipline upon his Physical Therapist License.

6 9. For the purpose of resolving the First Amended Accusation without the
7 expense and uncertainty of further proceedings, Respondent admits the truth of each and every
8 charge and allegation in paragraph 10 of the First Amended Accusation No. 1D 2002 63050.

9 10. Respondent agrees that his Physical Therapist License is subject to
10 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
11 Disciplinary Order below.

12 CIRCUMSTANCES IN MITIGATION

13 11. Respondent John Michael Hinds has never been the subject of any
14 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

15 RESERVATION

16 12. The admissions made by Respondent herein are only for the purposes of
17 this proceeding, or any other proceedings in which the Physical Therapy Board of California or
18 other professional licensing agency is involved, and shall not be admissible in any other criminal
19 or civil proceeding.

20 CONTINGENCY

21 13. This stipulation shall be subject to approval by the Physical Therapy Board
22 of California. Respondent understands and agrees that counsel for Complainant and the staff of
23 the Physical Therapy Board of California may communicate directly with the Board regarding
24 this stipulation and settlement, without notice to or participation by Respondent or his counsel.
25 By signing the stipulation, Respondent understands and agrees that he may not withdraw his
26 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
27 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
28 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be

1 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
2 further action by having considered this matter.

3 14. The parties understand and agree that facsimile copies of this Stipulated
4 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
5 force and effect as the originals.

6 15. In consideration of the foregoing admissions and stipulations, the parties
7 agree that the Board may, without further notice or formal proceeding, issue and enter the
8 following Disciplinary Order:

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Respondent John Michael Hinds, holder of
11 Physical Therapist License No. PT 18537, shall be publicly reprovved by the Physical Therapy
12 Board of California for violating Business and Professions Code sections 2630 and California
13 Code of Regulations, title 16, section 1399 as set forth in First Amended Accusation No. 1D
14 2002 63050, and shall comply with the following terms and conditions. A copy of the public
15 reproval is attached as Exhibit B and is incorporated here as if fully set forth.

16 1. **COST RECOVERY** The Respondent is ordered to reimburse the Board
17 the actual and reasonable investigative and prosecutorial costs incurred by the Board in the
18 amount of \$1263.00. If Respondent pays \$500.00 within sixty (60) days of the effective date of
19 this stipulation, the balance shall be forgiven. Failure to timely make the \$500.00 payment
20 constitutes a material breach of this order and shall cause the whole amount (\$1263.00) to be
21 due and payable.

22 2. **WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING**
23 **THE PRACTICE OF PHYSICAL THERAPY** Within 90 days of the effective date of this
24 decision, Respondent shall take and pass the Board's written examination on the laws and
25 regulations governing the practice of physical therapy in California. If Respondent fails to pass
26 the examination, Respondent shall be suspended from the practice of physical therapy until a
27 repeat examination has been successfully passed. Failure to comply with this condition
28 constitutes a material breach of this order.

3. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHEN SUBJECT TO PUBLIC REPROVAL It is not contrary to the public interest for the Respondent to practice and/or perform physical therapy after issuance of the public reproof. Accordingly, it is not the intent of the Board that this order or the fact that the Respondent has been publicly reproofed shall be used as the sole basis for any third party payor to remove Respondent from any list of approved providers.

4. FAILURE TO COMPLY WITH ORDER A material breach by Respondent of this order shall constitute unprofessional conduct and shall be a basis for further disciplinary action by the Board. In such circumstances, the Complainant may reinstate the First Amended Accusation in case number 1D 2002 63050, file an amended accusation and/or file a supplemental accusation alleging any material breach of this order by Respondent as unprofessional conduct.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael C. Challgren. I understand the stipulation and the effect it will have on my Physical Therapist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: February 21, 2006 .

Original Signed By:
JOHN MICHAEL HINDS
Respondent

I have read and fully discussed with Respondent John Michael Hinds the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary

1 Order. I approve its form and content.

2 DATED: February 28, 2006.

3
4 Original Signed By:
5 MICHAEL L. CHALLGREN
6 Attorney for Respondent

7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Physical Therapy Board of California of the Department of
10 Consumer Affairs.

11 DATED: March 3, 2006.

12 BILL LOCKYER, Attorney General
13 of the State of California

14 Original Signed By:
15 E. A. JONES III
16 Deputy Attorney General
17 Attorneys for Complainant

18 DOJ Docket/Matter ID Number: 03575160-LA02 1314
19 Hinds Stipulated Decision.wpd
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Exhibit A

First Amended Accusation No. 1D 2002 63050

Exhibit B
Public Reproval

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
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Against:

JOHN MICHAEL HINDS
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DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 27, 2006.

It is so ORDERED March 28, 2006.

Original Signed By: Donald A. Chu, PhD, PT, President
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS